



CENTER FOR COMMUNITY ALTERNATIVES
INNOVATIVE SOLUTIONS FOR JUSTICE

Lessons for Sentencing Reform and Reentry

A Case Study of Project New Opportunity



A Justice Strategies Working Paper

ProjectNewOpportunity 

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Acknowledgments

This paper was written by Marsha Weissman, Ph.D., Senior Policy Fellow of the Center for Community Alternatives (CCA). The staff of CCA’s Project New Opportunity (PNO)—Project Director Malcolm Young, Deputy Director Norman Brown and Lucinda Greene, Office Administrator—were instrumental in the preparation of this report and particularly the development of the survey.

Special thanks to the men and women who were part of PNO and who were willing to share their experience with the program. Thanks also to the dedicated Reentry Consultants who provided such important assistance in the reentry journey of PNO participants.

The Center for Community Alternatives is grateful to the Open Society Foundation for its support of this project.

Executive Summary

This study looks at the development and implementation of Project New Opportunity (PNO). PNO was created to provide reentry support to people being released from federal prison under President Obama's Clemency Initiative and the United States Sentencing Commission's (USSC) 2014 reduction in drug sentencing guidelines.

Through the retroactive application of the guideline reforms, about 6,000 individuals were eligible to be released on November 1, 2016. Another 1,928 were released through the Clemency Initiative. Yet except for probation supervision and Bureau of Prison (BOP) halfway houses, there were no reentry supports available to these individuals, many of whom had served decades in prison.

The Center for Community Alternatives (CCA) worked with Project Director Malcolm Young to design the PNO project to provide a model of reentry support for people released under these criminal justice reform efforts. PNO is based on research both about the challenges that accompany the transition from prison to community and the role that formerly incarcerated people can play in helping newly released people make this transition. Imprisonment leaves scars including post-traumatic stress responses, a lack of familiarity with the routines of daily life, and forms of culture shock as one confronts technological and other changes that have occurred during one's time in prison. These adjustment issues contribute to recidivism, which is highest within the first 6 months of release.

The key elements of PNO's model are: 1) a staffing plan that relies on formerly incarcerated people as Reentry Consultants, and 2) an "inside/outside" connection that introduces incarcerated people to their Reentry Consultant six months prior to their release and continues after release. The majority of PNO participants cited this pre-release connection with someone who will be there when they get out as the primary benefit of the program.

PNO adds yet another example to the growing body of evidence that shows that sentencing reform, shorter sentences and early release mechanisms are reasonable and humane without jeopardizing public safety. While PNO was unable to track recidivism of its participants through official data, it was able to follow up through the Reentry Consultants and/or participants themselves. The information, while informal, is very encouraging: there were no known incidents or reports of rearrests, violations of the terms of probation supervision, or incarceration from the consultants or participants. This suggests that PNO was able to help people stabilize and avoid new encounters with the criminal justice system in the immediate aftermath of release.

Lessons for Sentencing Reform and Reentry: A Case Study of Project New Opportunity

1. Introduction

“The reduction in drug guidelines that becomes effective tomorrow represents a significant step toward the goal the Commission has prioritized of reducing federal prison costs and overcrowding without endangering public safety. Commissioners worked together to develop an approach that advances the causes of fairness, justice, fiscal responsibility, and public safety, and I am very pleased that we were able to agree unanimously on this reasonable solution. I am also gratified that Congress permitted this important reform to go forward.”

The Honorable Patti B. Saris
Chair, United States Sentencing Commission
October 13, 2014

Judge Saris, the then Chair of the United States (U.S.) Sentencing Commission (herein referred to as the Commission or USSC), offered these comments one day before what has become known as the “Drugs Minus Two” amendment¹ became official. In April 2014, the Commission unanimously approved a two level reduction in the Drug Quantity Table of the drug sentencing guidelines and in July of that year made these changes retroactive.²

These changes are part of what has become a bi-partisan effort to rethink, albeit modestly, America’s over reliance on incarceration and its particularly deleterious impact on communities of color. The Commission’s reduction of drug sentencing guidelines garnered considerable public comment from judges, advocates, other criminal justice professionals and people directly impacted by federal sentencing guidelines. The overwhelming sentiment was one of support. While most law enforcement groups (e.g. police and prosecutors) tended to oppose guideline reductions, there was support for the Drug Minus Two amendment even within this sector. The Major Cities Chiefs Police Association testified at the Commission’s public hearing in support of the Drugs Minus Two amendment under consideration by the USSC. Observing that

¹ The Amendment is officially designated Amendment 782.

² Retroactively reduced sentences took effect November 1, 2014 but pursuant to the Commission’s directive, release of eligible individuals was delayed until November 1, 2015. Moreover, retroactive release was not automatic: judicial approval was required before a person was released.

the majority of people released under the amendment would return to their jurisdictions, the Major Cities Chiefs supported the amendment as serving the public interest and called for investment in reentry services, noting that “... [the] Major Cities Chiefs call upon the Federal Government to ensure that prisoners transition into communities with the support of reentry services that include drug treatment” (Manger 2014).

In addition to amendments to the drug sentencing guidelines, there were other important events that took place during the Obama administration that promoted a shift in criminal justice policy. The Clemency Initiative, announced in April 2014, encouraged clemency requests from individuals who had already served at least 10 years in prison and met specific criteria, including a conviction for a non-violent crime, a limited prior criminal history and good conduct in prison. At the close of his term in 2017, President Obama had granted more clemencies than any other president in U.S. history.³ The Justice Department also initiated its “Smart on Crime” initiative. As enunciated by then-Attorney General Eric Holder, the Smart on Crime initiative called upon federal prosecutors to avoid charging people who commit low-level, non-violent crimes and are not part of criminal networks, with crimes that carry harsh mandatory minimums.⁴ The fourth goal of the initiative sought to bolster reentry efforts.

Project New Opportunity (PNO) aimed to improve reentry services for people released under the Drugs Minus Two amendment and persons granted executive clemency. This report describes the program and documents the process of implementation, including preliminary information about outcomes among the people served by PNO.

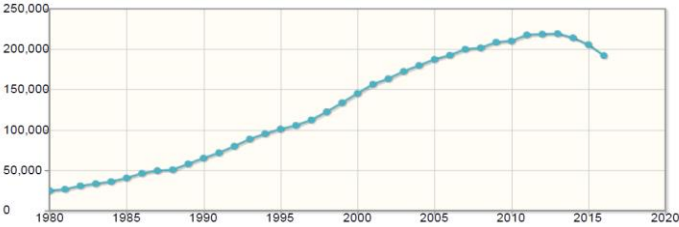
II. PNO Within the Context of Criminal Justice Reform

The United States is notorious for the size of its prison population and the racial disparities in the composition of those incarcerated. With but 5 percent of the world’s population, the U.S. has 25 percent of the world’s incarcerated people. While there are many causes of mass incarceration in the United States, the “War on Drugs” is most often pointed to as the cause of the astonishing growth in the U.S. prison population and the specific containment of poor people of color. The number of people in federal prison increased from 24,263 in 1980 to 187,489 in [July] 2017, an increase of 670 percent.

³ This record is exclusive of the blanket clemencies issued by Presidents Gerald Ford and Jimmy Carter to those who refused the draft during the Vietnam War.

⁴ The current Attorney General has reversed course and has directed federal prosecutors to pursue the most serious penalties possible.

Figure 1. Growth in the Federal Prison Population

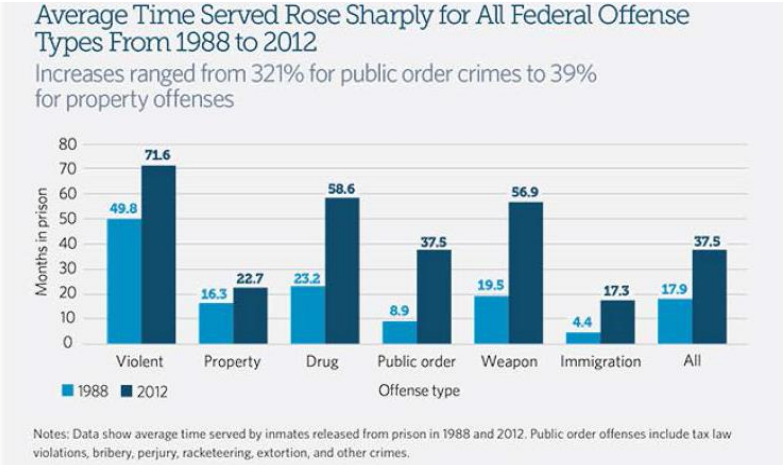


Source: Federal Bureau of Prisons, July 13, 2017

https://www.bop.gov/about/statistics/population_statistics.jsp

The Committee on Causes and Consequences of High Rates of Incarceration (National Research Council 2014) concluded that the growth in incarceration is largely due to mandatory prison sentences and the increasing length of those sentences.⁵ In the federal system, these changes were put into place through the Sentencing Reform Act of 1984 which created the U.S. Sentencing Commission. The guidelines created by the Commission resulted in more people being sentenced to incarceration for longer periods of time. The average time served by federal prisoners doubled between 1988 and 2012, increasing from just under 18 months to 37.5 months (Pew Charitable Trust 2015). Figure 2 shows that there were increases in sentence time served/sentence length for all federal crimes.

Figure 2. Prison Time Surges for Federal Inmates



Source: Pew Charitable Trusts, 2015. Prison Time Surges for Federal Inmates

After decades of relentless increases in federal sentencing, in 2010 Congress passed the Fair Sentencing Act that reduced the disparities in sentencing between crack and powdered cocaine. In 2014, the USSC adopted Drugs Minus Two and changed the offense levels

⁵ These changes took place through mandatory sentencing laws, “truth in sentencing” laws, “three strike laws,” the shift to determinate sentencing, and increasing the sentence length of existing criminal offenses.

associated with drug quantities and allowed for retroactive application of the new guidelines. The shift in public sentiment about America's harsh criminal justice policy also made space for the Obama administration's Clemency Initiative.

While generally pleased about the USSC amendment and its retroactive application and the administration's Clemency Initiative, supporters cautioned about the need for adequate reentry support to aid individuals in transitioning from incarceration to the community. Concern about reentry-related issues is evident in the Commission's reasons for delaying actual releases until November 2015 to give the Bureau of Prisons and the U.S. Office of Probation and Pretrial Services time to prepare to assist in the transition, reentry and supervision of those persons released under the Drugs Minus Two retroactivity provision. Comments in support of the amendments - from Congressional supporters, long time advocates, newly converted right wing partisans, and directly impacted people - all noted the need for reentry support.

The reductions in length of sentences for certain federal drug crimes and retroapplication of these reductions raise fundamental policy issues about sentencing and reentry. Research conducted by the Sentencing Commission itself indicates that longer prison sentences do not reduce recidivism and conversely, that shorter sentences do not compromise public safety: *"The Commission finds no difference between the recidivism rates for offenders who were released early due to retroactive application of the FSA Guideline Amendment and offenders who had served their full sentences before the FSA Guideline Amendment reduction retroactively took effect"* (U.S. Sentencing Commission 2018, p.1). USSC analysis showed that people released early through the "Drugs Minus Two" reform and those who served their full sentence prior to the reform going into effect had the same recidivism rates of 37.9 percent. Moreover, the most common reason for recidivism was violation of conditions of release rather than a new crime.

The Sentencing Commission's finding that people released under Drug Minus Two reforms did not result in higher recidivism rates comports with other research on the topic. Research on the effects of California's Proposition 47 that reclassified certain felonies as misdemeanors found that only 159 of 4,454 state prisoners – less than 5 percent- were returned to prison for a new crime (Romano 2015). A study of people resentenced following New York State Rockefeller Drug Law reform reported that 8.5 percent of the 576 people who were released in the first two rounds of resentencing petitions were returned to prison, with most returning due to violations of parole conditions. This was considerably lower than the overall 39.9 percent recidivism rate reported by the New York State Department of Corrections and Community Supervision (Gibney & Davidson 2009).

The reforms described above are a part of a tentative, but growing, movement to roll back the draconian sentences that have dominated the U.S. criminal justice system for decades. Across the country, states are making sentences of probation applicable to offenses that previously required incarceration and reclassifying low level felonies as misdemeanors (Porter 2018). There have even been prosecutor-led efforts to reduce exposure to prison through charging decisions. Former attorney general Eric Holder's Smart on Crime initiative created new guidelines for U.S. attorneys, advising them to avoid charging low-level, nonviolent drug offenders with crimes that carry mandatory minimums. And while this guidance has since been rescinded by the Trump administration, it nonetheless messaged that prosecutors have a role in reducing incarceration. The most recent and perhaps boldest of prosecutorial reforms is reflected in the actions of the District Attorney of Philadelphia, Larry Krasner, who took office in January 2018 after campaigning on a platform that included criminal justice reform. He has instructed prosecutors in his office to stop charging certain low level offenses, such as marijuana. He also encourages them to seek alternative sentences such as probation or house arrest and to seek shorter sentences.

III. PNO Within the Context of Reappraisal of Reentry and Reintegration

Sentencing reform has been accompanied by a new look at post-release supervision and by implication, reentry. A paper by the Columbia University Justice Lab (2018) identified these forms of community supervision as “a trip wire to reincarceration” pointing to the large numbers of people incarcerated for technical (i.e., noncriminal) violations of conditions of release and not for new criminal convictions. The report notes that at least 18 states have made reforms to their parole and probation systems including limiting the number of conditions imposed, introducing incentives for good behavior, shortening the terms of supervision and using graduated sanctions instead of incarceration as a response to violations.

The terms parole and reentry are often used interchangeably, but there are meaningful differences between the two. Parole refers to a formal status, one supervised by an official government entity (e.g., the Division of Parole) for a defined period of time. People on parole have specific requirements or conditions to which they must adhere, with compliance of these conditions supervised by a parole officer. Parole is a legal status, an official obligation imposed on formerly incarcerated people. Reentry programs are intended to help people who are leaving prison to successfully return to their communities. These programs are typically offered

by nonprofit and faith-based organizations; participation in reentry programs is often voluntary on the part of the formerly incarcerated person.⁶

Reentry programs tend to focus on the development of instrumental skills that are useful to assuming stable and productive lives. For example, U.S. Department of Labor funding supports programs that provide job training and placement for formerly incarcerated people; Health and Human Services funding supports specialized drug treatment and recovery programs for people leaving prisons. However, missing from these important programs are initiatives that address the uniquely disruptive and confounding impact of incarceration.

In a provocative critique of the reentry movement, the scholar Loïc Wacquant challenges the reentry movement for failing to capture the reality that “...*the vast majority of former convicts experience not reentry but ongoing circulation between the two poles of a continuum of forced confinement formed by the prison and the dilapidated districts of the dualizing metropolis*” (Wacquant 2010, p. 611). Wacquant further criticizes the reentry movement for not adequately distinguishing the concept of reintegration from reentry. Although the terms reentry and reintegration are often used interchangeably they too connote different concepts that have implications for program models and approaches. Reentry is a more narrow focus, i.e., “the process of leaving prison and returning to society” (Travis et.al 2001, p.1). Reintegration implies full, functional and non-stigmatized connection to normative social institutions including family, work, and civic engagement.

Basic and instrumental needs such as employment and stable housing have been the focus of reentry programming. And while the ability to secure employment and housing are critical ingredients to reentry and reintegration, these assets alone overlook the web of disorientation and psychological disconnection that accompanies the movement from custody to freedom. Prison life is characterized by limited opportunities to develop and maintain close personal relationships, a place where even human touch between family visitors and prisoners is proscribed and surveilled. Prison life is highly regimented, and does not require personal responsibility for basic human needs – food, clothing and shelter. It is an environment characterized by constant noise, pervasive violence, and little to no access to soothing green spatial environs. An article by Jerry Metcalf (2018),⁷ “All the Strange, Terrible Things You Get Used to in Prison” published by VICE and the Marshall Project, provides a disturbing description

⁶ At times, programs can be mandated by parole or probation officers, but reentry programs themselves cannot require participation.

⁷ Jerry Metcalf is serving a 40 – 60 year sentence for the crime of second-degree murder. He had served 20 years of this sentence when he wrote the article.

of what becomes “normalized” in prison: “methodical shame and humiliation”, replacement of identify with a number, “fleeting friendships,” “chaos,” “violence” and “having everything we do planned out and tracked by authority figures.” Metcalf writes, *“I’m told when to eat, when to sleep, when to go outside, when to talk with and see my family, when to shower, when to cut my hair or iron my clothes.”* This statement by Mr. Metcalf captures the impact of incarceration: *“I can’t remember the last time I had to make a major decision like that for myself. I grow nervous just imagining the prospect.... Maybe this is why so many of us fail when we get out.”* While many heroically survive and try to make the best of these abnormal, often inhumane conditions, release back to the “free world” is nothing less than culture shock. These nuances of reentry are not typically part of the menu of services of a formal reentry program. Yet, as Metcalf ponders, this culture shock is often the stress that undermines reentry success.

Academic research (Taxman et.al 2002; Grieb et. al 2014) suggests that Metcalf has aptly identified a major area of concern. Adjustment issues are critical to address, particularly in the immediate time before and after release. Data show that recidivism (as defined by rearrest) is concentrated in the first 6 months post-release with more than one-third of releasees arrested within that time period (Durose, Cooper & Snyder 2014). As Jonson and Cullen (2015) assert, the high rates of recidivism that occur shortly after release indicate that “basic knowledge about reentry is lacking” (p.25) and may not be adequately addressed by frontloading services and surveillance (Petersilia 2003).

Research that has looked at transitions from other types of total institutions or experiences, particularly those involving traumatizing circumstances, substantiates the value of more nuanced and subtle supports. Prisons are, according to Goffman (1961), one of the “total institutions” that undermine an individual self-efficacy. Haney (2003) identifies myriad psychological impacts of incarceration that affect post-release adjustment: overdependence on regulation that limits individual decision making capacity; hypervigilance and suspicion; social withdrawal and post-traumatic stress responses to what may be routine incidents in daily life.

These less obvious and overlooked challenges in transition are not wholly unique to formerly incarcerated people. Feeling like one does not fit in or feeling at sea in one’s home community are common among transitional experiences as diverse as returning from the army to civilian life (Ahern et. al 2015), returning from international work assignments (Hammer et. al 1998) and even college students coming home from semester abroad (Furman 2012). Moreover, the structural barriers known as collateral consequences uniquely solidify the social exclusion of formerly incarcerated people.

“Navigation” support, particularly when provided by peers, can be essential to successful adjustment (Portillo et. al 2017; Ahern et al. 2015) because it is empathetic, grounded in shared experiences about the challenges of negotiating daily life. A commonality of language, culture, condition, race, ethnic and class status helps people become more comfortable in disclosing the challenges they are facing and asking for and accepting help.

While health and mental health domains have become increasingly receptive to peer support, prisoner reentry programs have been less likely to do so. Negative stereotypes of formerly incarcerated people, as well as legal bars to employing people with criminal records in reentry programs that are run or contracted by government, make such peer support more difficult, if not impossible, to include in such programs (Blumstein & Nakamura 2009).⁸ In addition, probation and parole conditions typically bar people under supervision from contact with others with criminal records, which makes it problematic to engage with a formerly incarcerated mentor. While there are now groups of formerly incarcerated people pushing back against such labeling (e.g., JustLeadership, All of Us or None), the stigma of a criminal record still dissuades, if not prevents, too many reentry programs from tapping into the resources and social capital of “criminal justice” peers.

IV. Description of Project New Opportunity: Providing Support for Clemency and Drug Minus Two Recipients

Project New Opportunity (PNO) was designed in late 2015 to address the need for a reentry program that would facilitate the positive reintegration of federal inmates eligible for release under President Obama’s Clemency Initiative and the United States Sentencing Commission’s sentence reductions under “Drugs Minus Two.” The PNO model considered the unique characteristics of the federal prison system, which separates individuals from family and social supports for many years and by hundreds, sometimes thousands, of miles. This means that contact between the incarcerated person and his or her family members and support systems is typically more attenuated than is the case in state prison systems. About half of the federal prison population is housed more than 250 miles from their homes and more than one-quarter are located more than 500 miles away (Charles Colson Task Force 2015). The federal system transfers incarcerated people to halfway houses under contract with the Bureau of Prisons: transfers occur three to six months in advance of release and most people are sent to facilities

⁸ The “credible messenger movement” that engages formerly incarcerated people as mentors to youth and adults in the juvenile and criminal justice system is making inroads in eliminating barriers to employment in these programs.

in or near their home communities. Supervision shifts to the U.S. Department of Probation and Pretrial Supervision.

PNO served individuals returning to three areas: Illinois, the Eastern District of Pennsylvania and the Eastern District of Virginia extending to D. C. and Maryland. The selection of these districts was made based on a combination of factors including the numbers of people returning to these areas, an assessment of whether sufficient reentry resources were available in the locale, and the interest and ability on the part of the Federal Defender Offices in these districts to help PNO reach out to eligible individuals.

One of the key elements of PNO was a staffing pattern that relied on “Reentry Consultants,” the majority of whom were formerly incarcerated people. The PNO program model began working with individuals at least six months before their release. The PNO Reentry Consultant first conducted an assessment of each client’s situation, experience, abilities, accomplishments, hopes and fears. Based on their own experiences returning home following incarceration, formerly incarcerated Reentry Consultants were well-positioned to counsel and advise their clients each step of the way as they connected with family and community resources.

Federal Defender Offices in each of the jurisdictions of focus were initially the primary means for PNO to identify prospectively eligible individuals by sending letters introducing PNO and enclosing the PNO enrollment form. The enrollment process involved the completion of an application that was sent or faxed by the incarcerated person to PNO’s office in Washington, D.C. The information was reviewed by the Director or Deputy Director for eligibility. If eligible, PNO staff assigned a Reentry Consultant from the geographic area to which the individual expected to return.

The Reentry Consultant communicated with their incarcerated clients via BOP’s inmate email system (“Corrlinks”), postal mail or telephone, to build trust and obtain needed information from the client. The Consultant also reached out to supportive family members and friends. These pre-release contacts were designed to introduce the consultant and the soon-to-be released individual, build rapport, discuss concerns about reentry and begin the process of identifying resources to address basic needs. From the outset, the relationship between the person leaving incarceration and the Reentry Consultant is client-driven and thus varied greatly. The PNO model was grounded in an understanding that addressing personal issues is as important, if not more important than immediately connecting the just-released person with human service programs.

PNO's Reentry Consultants continued to interact with clients following release to BOP's contract halfway houses or home confinement and/or probation supervision. The program model had no formal "end" date, but rather assisted, counseled and encouraged each client up to the point that he or she seemed to be stabilized with connections to normative social capital institutions in their communities, e.g., families and faith communities. Bi-weekly contact between consultants and clients was encouraged but not required: the consultants took their cue from their clients, respecting their ability to define their own needs and appreciating that newly released individuals had to comply with many post-release requirements. Consultants would make follow up calls to remind clients that they could reach out whenever they needed guidance or just someone to talk to. As such, the PNO model reflects a metric of success beyond the bottom-line concern with recidivism, that is, the extent to which PNO supports help individuals navigate the transition to freedom.

In sum, the main elements in PNO's program stem from research about the reentry process and ideas about how effective reentry programming operates. These include:

1. The "inside/outside" connection both as a mechanism to build trust between the program and the client needed to engage in meaningful release planning.
2. Reliance on formerly incarcerated people as Reentry Consultants drawing on the literature on peer-delivered support and the understanding that challenges to reentry, particularly in the initial period following release is as much, if not more, about adjustment to a new culture (the "free" world) as it is about instrumental needs.
3. A focus on building a trusting partnership between the PNO Reentry Consultant and the client so that clients are comfortable sharing their hopes, dreams and fears, no matter how seemingly mundane they may be.
4. A client-driven process that responds to the client's essential or primary needs and concerns first.
5. Approaching reentry as a successive problem-solving process, where the "solution" to one concern allows the client (with the support of the Reentry Consultant) to address the next issue or step to be taken.
6. Efforts to coordinate with the BOP, federal halfway houses, Probation and Reentry Courts.⁹

PNO began accepting clients in late April 2016. As noted, eligibility was limited to individuals sentenced out of three jurisdictions: the Eastern District of Virginia; the Northern District of Illinois; and the Eastern District of Pennsylvania.¹⁰ There was a sequential rollout of the

⁹ Two of the jurisdictions selected by PNO have robust federal reentry courts – Chicago and Philadelphia.

¹⁰ The largest cities/communities in these jurisdictions are the Virginia/DC suburbs and Richmond (Eastern District of Virginia); Chicago (Northern District of Illinois); and Philadelphia (Eastern District of Pennsylvania).

program, starting with outreach to people sentenced from to Virginia, followed by individuals sentenced from the Illinois and Pennsylvania jurisdictions respectively.

Table I. Characteristics of PNO Participants

	Number	Percent
Race		
Black	119	81%
White	27	18%
Asian	1	01%
Sex		
Female	131	92%
Male	21	08%
Average Age		
At Conviction	36 yrs.	
At Intake	43 yrs.	
Family Status at Intake		
Single	90	62%
Married	18	12%
Divorced	12	08%
Separated	12	08%
Widowed	1	01%
Not Reported	11	08%
Veteran Status		
Yes	11	08%
No	119	83%
Undisclosed	14	09%
Jurisdiction		
Eastern District of VA	80	56%
Northern District of ILL	23	16%
Eastern District of PA	36	25%
Other	3	02%
Type of Sentence Modification		
Drugs Minus Two	67	47%
Clemency	56	39%
Other/Not Reported	19	14%

Table I summarizes individuals enrolled in PNO from April 2016 through August 2017.

It shows that the majority of participants were male, black/African American and were sentenced out of the Eastern District of Virginia. Almost half of the clients served (67) were eligible under the Drugs Minus Two provision and 56 (or 46%) were clemency recipients. With respect to age, the average age of a person enrolling in PNO was 43. The PNO database shows that there was a considerable age span, with the oldest participant almost 73 years of age and the youngest 26 years.

Table II. Indicators of Reentry Readiness

	Number	Percent
Birth Certificate		
Yes	65	54%
No	55	46%
Identification (Drivers' License or State ID)		
Yes	28	23%
No	92	77%
Social Security Card		
Yes	85	71%
No	35	29%
Halfway House Assignment¹¹		
Yes	94	67%
No	17	12%
Unsure	30	21%
Post-release Housing		
Yes	90	64%
No	41	29%
Unsure	10	7%
Employment		
Yes	61	43%
No	21	15%
Unsure	56	42%

Of particular interest was participants' self-report of what might be called "readiness for release" at the time of enrollment, i.e., while the individual was still incarcerated. Table II shows how people classified themselves. With respect to identification, most participants had at least one form of documentation (Birth Certificate, State Identification and/or Social Security

¹¹ This information was provided by people who enrolled in PNO *prior to* the closing of 16 federal halfway houses resulting in the postponement of halfway house release, changes in designation and shorter stays.

card). Two-thirds were aware that they would be released to a federal halfway house and almost the same percent indicated that they had a place to live following release from prison/halfway house. In contrast, more than half- 57 percent- of PNO enrollees had no post-release employment plans or were uncertain about whether a job would be waiting for them.

Challenges to Program Implementation

As is often encountered in the start-up of a program, PNO faced challenges in two key areas: outreach to participants and program staffing. In its design, PNO relied on Federal Defender Offices to introduce PNO to individuals eligible to use its services, as they were well-positioned to identify prospectively eligible former clients. In addition, as defense counsel are to represent the best interest of their clients, outreach made through the Federal Defender Office was expected to provide credibility and overcome possible mistrust of an unfamiliar program. Accordingly, introductions to PNO were done through correspondence to defender clients. The outreach letter made clear that PNO was not a government-funded program and that the service was free of charge.

While the three Federal Defender Offices were enthusiastic about the PNO project and did their best to reach out to their eligible clients, this effort did not result in the level of interest expected. PNO then expanded outreach efforts by enlisting the assistance of the organization Families Against Mandatory Minimums (FAMM) and by contacting prospective clients directly. FAMM is a well-respected organization, particularly among people incarcerated in federal prisons and their families, because of their advocacy on behalf of Drugs Minus Two sentencing reform. Other mechanisms to increase enrollment included word of mouth, outreach to BOP staff, and information disseminated through the project's webpage. These diversified efforts led to increased applications to PNO by incarcerated people or their families.

The second implementation challenge involved staffing. The initial project staffing included a full-time Project Director and a number of part-time staff called "Reentry Consultants." The consultant approach was expected to be more flexible and nimble, responsive to the federal prison system that has facilities spread across the country and to the three geographically distinct PNO jurisdictions. The job qualifications emphasized professional degrees (Social Work) and experience.

The part-time nature of the work made recruitment and retention difficult. While several individuals were hired, most, if not all, had other full-time employment that took precedence over their part-time work as consultants. The PNO Project Director encountered challenges in

supervision—ensuring participant information was fully collected, that protocols were followed, and that consultants followed up with the incarcerated person in a timely manner.

After several months of trying to improve communication and follow up, the Project Director hired a full-time Deputy Director, a formerly incarcerated individual who was a clemency recipient under the Obama administration initiative. His arrival brought more consistent supervision of and guidance to the reentry consultants from an individual who was sensitive to the dynamics of release described above. His review of the cases in progress prompted a decision to redefine the position of Reentry Consultant. Greater emphasis was placed on recruiting formerly incarcerated people to serve in these positions. The Deputy Director appreciated that such individuals would have not only the skills useful to people starting process of reintegration but also a commitment to help based on their own experiences. He described the employment of directly impacted people into Reentry Consultant positions as bringing in expertise from people who knew “the mindset of transition.” These new consultants were profoundly aware of the psychological changes facing someone who is moving from a controlled institution to an environment of freedom. This approach is in keeping with both literature and research on the efficacy of peer leadership/peer-delivered services (see discussion above) and research on desistance and “giving back” (McNeill & Maruna 2007; LeBel, Richie, & Maruna 2015). The new Reentry Consultants were recruited and trained by December 2016. The training was formalized and addressed program mission, procedures and processes.

However, PNO did not totally jettison the skills of professional social workers. Formerly incarcerated Reentry Consultants who did not have this level of professional training were paired with social workers, as needed, joining the life skills of people who had negotiated the challenges of transition with the clinical skills and resources of social workers.

V. Project New Opportunities and Transition from Prison: Outcomes Measures

This report looks at outcome/impact measures for a sample of participants enrolled in PNO. As the information is based on a survey of participations, it is limited in that it is neither a control or comparison group study. Nonetheless, the information assembled provides insight into the ability of the program to adhere to the aims of its model and how participants themselves viewed the program.

Most evaluations of reentry programs focus on recidivism metrics – re-arrest, reconviction and/or reincarceration to assess program success. While the impact on recidivism measure is

important, it is not the only way to consider the impact of a program. Visher and Travis (2003) argue for a more complex consideration of what constitutes reentry success beyond the measure of recidivism to include an examination of the immediate experience of transition. They express this as follows:

Little research exists on the period following imprisonment.... the reentry experience is about more than state supervision. Moving from prison, an institution of total control, to the often chaotic environment life is a powerful transition poorly understood by the research community, yet vividly portrayed in the writings of former prisoners. Society has placed legal barriers and other obstacles on the road to reintegration. The prisoner's past life adds more. The prison experience imposes its own set of challenges and opportunities. Additionally, the world has not stood still (Visher & Travis 2003, p. 107).

To this end, the outcome information collected for PNO has tried to capture what Visher and Travis have called the “complex milestones in the reintegration process” (Visher & Travis 2003, p. 107). Nonetheless, recidivism measures are also important measures of program effectiveness. PNO was unable to track this metric through official data and relied instead on information from either Reentry Consultants or participants themselves. The information, while informal, is very encouraging: there were no known incidents or reports of rearrests, violations of the terms of probation supervision, or incarceration from the consultants or participants. While this information on recidivism should be viewed with caution because of its anecdotal nature, it does suggest that PNO was able to help people stabilize and thus avoid new encounters with the criminal justice system in the immediate six to 12 months following release.

PNO concentrates on concerns that arise in the days and months immediately following release, that is, the adjustment to the nuances of everyday life. Without minimizing the importance of learning work skills, securing employment and independent, stable housing, PNO supports are about acclimation to a world without regimentation and a world that looks very different after years of incarceration.

This study undertook a survey of a sample of participants in order to learn more about the needs and impacts of the PNO program. The survey was sent to a total of 71 PNO participants (49% of total enrollees), 46 of whom were released to the community and 25 of whom were not yet released. Thirty-six surveys were returned (an overall response rate of 51%), 15 from people now living in the community (33% of the surveys sent to the released people) and 25 from people still incarcerated (84% of the surveys sent to this group). People in the community

were harder to reach as they change residences frequently as they settle into community life. With respect to race, ethnicity and gender of respondents, 86 percent were African American, 6 percent were Latino or white respectively and 2 percent (1) was Asian. Three respondents were female. An honorarium was given to every person who completed the survey. People who were still incarcerated had funds posted to their commissary account and people in the community were given a gift card to one of four stores of their choosing.

The survey included questions to get a sense of how participants identified their needs as well as whether key elements of the PNO model – inside/outside connection, connection to Reentry consultants – operated as intended and met reentry needs as defined by participants. Table III below summarizes the salient findings from the survey.

Table III: Characteristics of PNO Participant Survey Respondents

N=36

	Number	Percent
Length of Incarceration		
1-5 years	5	14%
6- 10 years	7	19%
11-15 years	12	33%
16- 20 years	7	19%
21-30 years	4	14%
Visits while incarcerated		
Monthly	5	14%
Twice a year	12	33%
Once a year	2	08%
Every few years	8	22%
No visits	9	25%
Time since release (N=15)		
1 month	0	0
1-3 months	4	27%
4-6 months	2	13%
6-9 months	5	33%
1 year	3	20%
More than 1 year	1	07%
Residence at time of survey		
Halfway House	2	06%
With family	11	31%
With friends	0	0
In my own apartment/home	1	03%
In a shelter	0	0
In prison	21	60%
Other	1	03%

The results show that PNO was reaching people who had been removed from their communities for many years (Table III. Characteristics of PNO Survey Respondents). Thirty-three percent (33%) of respondents had been incarcerated for between 11 and 15 years, and 33 percent for more than 16 years. Contact with friends and families was often limited during these long years of imprisonment. An astounding twenty-five percent (25%) of respondents never had a visit during the *entire* time they were incarcerated. The length of sentences and the social isolation reported by participants underscore the need for supports that could guide a person from total institutionalization to the “free” world. This echoes a point made by Jerry Metcalf (2018) in his article in VICE in identifying these needs of people transitioning from the abnormal world of prison “...what about those of us who have no loved ones left alive because they’ve spent a bazillion years behind bars?”

It is within this framework that the value of pre-release contact made by the Reentry Consultant can be understood. The PNO program showed ingenuity in navigating the difficulties of making contact with incarcerated people, particularly in the far-flung federal system: almost all participants (86%) met their consultants prior to their release through e-mail and/or telephone contact. Two-thirds of respondents cited the ability to have contact while still incarcerated with someone who will be there for them when they get out as a primary benefit of the program. The other benefits of having contact with the Reentry Consultant prior to release included: (a) help with securing housing that would be available when the participant was released and (b) assistance with a variety of basic needs classified as “other.” This latter category included such things as providing information about Veterans’ benefits, lining up clothing for release, and simply explaining what will happen in the first few days after released, e.g., reporting requirements, access to a telephone, and orientation to the halfway house. (Table IV)

A program like PNO that can to some extent compensate for the absence of normative social connections is particularly important in light of research that shows that such contact helps to reduce recidivism (Naser & LaVigne 2006). Social supports are important in the broader desistance process. When asked what they thought would be the greatest impediment to their successful reentry, respondents eschewed expected impediments such as employment, remaining drug-free, and stable housing and overwhelmingly selected the response, “*Nothing, I feel sure that I will never go back to prison.*” These perceptions of desistance should not be dismissed as wishful thinking. Research shows that perceptions about being able to stay out of trouble with the law do impact future offending (Maruna 2001). However valuable the sense of agency, it alone cannot overcome significant lack of financial resources or basic life necessities (e.g., housing). Social supports and social capital are needed to help people leaving the criminal justice system to sustain their new identity in the face of challenges. Forms of support such as

that provided by the Reentry Consultants can play a role in filling gaps where normative social supports are less available or frayed. Some survey respondents explicitly acknowledged this in comments added to their survey responses. One person acknowledged that he it was hard for him to keep *“assuring himself that I will never go back.”* Another person who had been incarcerated for 10-15 years without any visits during that entire time stated he was *“just grateful to have someone to support me.”* This is particularly true when the support system can offer empathetic support by people who have gone through similar experiences.

The desire for assistance with transition is reflected in what the survey respondents thought was most helpful about their Reentry Consultant – an understanding “ear” who would listen to concerns and questions without judgement. Seventy-seven percent (77%) of respondents cited this role as the greatest assistance to them. Participants felt that their consultant really knew what they were going through and listened to their concerns and needs as they defined them. One survey respondent offered: *“I am very impressed with my Reentry Consultant... he’s experienced in what I am going through”* and another said, *“Nothing like getting help from someone who has been in my situation.”*

Finally, we asked survey respondents what elements of the PNO program could be strengthened. The top three recommendations were: stronger ties with employment programs (80%); better connections to housing programs (74%); and additional post-release contact between the participant and the Reentry Consultant (69%). (Table IV, above)

In summary, the survey findings indicate that project was largely implemented as designed. PNO was successful in reaching participants prior to their release, a connection that was highly valued by incarcerated people. It was also client-centered in its approach, evidenced by participant comments that the project was uniquely able to hear their concerns as they defined them, rather than a pre-packaged approach to reentry needs.

Table IV: Survey Respondents Experience with PNO

Top 3 needs identified		
Permanent housing	16	46%
Employment	20	57%
Adjustment to freedom	16	46%
Pre-release contact with Reentry Consultant		
Yes	31	86%
No	5	14%
Benefits of pre-release contact with Reentry Consultant		
Inside/outside connection	23	64%
Help with securing housing	4	11%
Help in connecting to family	0	0
Other	9	25%
Post-release contact with Reentry Consultant (N=15)		
Yes	12	80%
No	3	20%
Frequency of contact with Reentry Consultant (N=31)		
Weekly	6	19%
Biweekly	2	06%
Monthly	4	13%
Whenever needed	19	61%
Greatest assistance from by Reentry Consultant (top 3)		
An understanding "ear" that listened to all concerns	28	78%
Help finding a job	22	61%
Help in adjusting to the halfway house	15	42%
Benefit(s) of having a formerly incarcerated person as Reentry Consultant (can select more than one)		
Understands emotional challenge of reentry	15	42%
Familiarity with programs & resources	13	36%
Helped with my concerns as I defined them	10	28%
Reminded me to be patient	11	31%
Other	11	31%
Challenge to remaining out of prison (top 3)		
Difficulty in finding work	6	17%
Stigma of a criminal record	9	25%
Nothing- I feel sure I will never go back to prison	23	64%
Recommendations for improvements to PNO (top 3)		
More post-release connection with reentry consultants	24	69%
More assistance with employment	28	80%
Better connections with housing program	26	74%

VI. Lessons Learned and Recommendations for Future Programming

The experience of designing and implementing the PNO project yielded many lessons about program implementation, the role of peers in reentry programs and perhaps most important, ideas about further criminal justice reform. These lessons and the recommendations that follow from these experiences are organized according to each theme.

Implementation Lessons:

- It is difficult to implement programs that are intended to reach people before they are released, particularly in the federal system due to its geographic structure. Multiple outreach methods should be used to outreach prospective clients. PNO had to leverage contacts with many stakeholders and advocates who work with federal prisoners and their families in order to reach incarcerated people eligible for program services.

***Recommendation for future programming:** From the outset, programs that hope to work with people prior to release should develop multiple outreach methods. This can include, but not be limited to, working with prison system resources that are nominally responsible for reentry.*

- A consultant staffing pattern may be useful for reentry programs in certain instances, particularly those emphasizing social supports and relatively short term engagement. However, part-time staff, particularly those with supervisory responsibilities who have other full-time job responsibilities may impede ability to provide consistent and timely responses to their clients. PNO experienced this problem in the initial months of program implementation; this led it to change its staff requirements and qualifications and to bring on full-time staff to improve supervision. As discussed below, the challenges of using part-time staff may be lessened when those staff are deeply committed to reentry and reintegration, such as was found with Reentry Consultants who were formerly incarcerated people.

***Recommendation for future programming:** Where part-time staff are used, there needs to be consistent supervision from a full-time staff person who will ensure regular contact with the reentry consultant, regularly review case notes, convene trainings, and ensure that data is completely and comprehensively collected.*

- The PNO model shows the importance of attending to the nuanced adjustment to community, i.e. relearning the basics of everyday life such as using public transportation, cell phones, computers, and grocery shopping to name just a few. While

seemingly mundane, people who have been incarcerated for a long period of time are very anxious about what awaits them when they leave prison. PNO's initial strategy was similar to that of many reentry programs: Reentry Consultants would help their clients prepare a multi-faceted comprehensive "reentry plan" covering the often-mentioned elements: housing, treatment if needed, employment, family reintegration, etc. By listening to clients, PNO learned that most had one or two paramount concerns which needed to be addressed before they could deal with issues that they felt to be secondary. PNO found that helping clients to resolve the paramount concern, positioned the program and the client to address the next issue or step to be taken.

Once released, they need support to adjust, but also begin to confront the need to get employment, housing and education. PNO intended to develop close connections with programs that specialize in these issues, but in many cases, the linkages were not formalized or systematized. Survey responses from participants suggested more connections with employment and housing services.

Recommendation for future programming: *It is of great value to have reentry programs that focus on community adjustment and transition and at present, there are insufficient resources to address shock of reentry. PNO offers a model for focusing on reestablishing and relearning community connections and assisting clients as they move along a continuum, overcoming one challenge or obstacle before moving onto the next, until a point of stability is reached. Simultaneously, transitional support programs should make close connection with more traditional reentry programs that assist with employment training, job development and long-term housing.*

- Data collection was a relatively neglected task in the implementation of PNO in part because the initial staff did not supervise around this issue and in part because the purpose of data collection and program evaluation was not well-understood. PNO implemented a user-friendly data system, Igloo, but did not use it to full capacity.

Recommendation for future programming: *Data collection and program evaluation should be attended to at the very outset of program implementation. It should be part of training so that staff understand the purpose of research and evaluation, i.e., that it is a process of documenting program implementation, participant characteristics and outcomes. Staff have a role in data collection: the very information that they collect from clients as they enroll constitutes basic data collection. [Full time] staff supervisors should develop protocols for data collection and hold other staff, including consultants, accountable for thorough and timely data collection. The program should also continue to try to get data on outcomes*

of similarly situated individuals who did not receive PNO services (e.g., clemency recipients, other drug Minus Two releasees) for comparison purposes.

- In part due to staffing challenges, PNO lacked adequate protocols particularly around case closing. This made it difficult to systematically track outcomes. While the PNO model was driven by client needs and not a priori time limitations for engagement, even this more informal disengagement from services can be documented and reviewed.

Recommendation for future programming: *Standards, even if flexible, for case closure need to be made clear to staff and consultant. Prior to closing a case, a summary of the assistance provided and status of the individual should be documented. The closing of a case should be reviewed by a supervising staff member.*

Lessons on the Use of Formerly Incarcerated People as Reentry Consultants:

The Role of Peers

- The shift to relying on formerly incarcerated people to staff and lead the project made a considerable difference for program implementation and engagement with clients. Even though the positions were not full time, consultants with past experience with incarceration were highly committed to “giving back” as described by LeBel, Richie, & Maruna (2015). They maintained dependable contact with their clients and were viewed by participants as credible messengers and people who understood the experiences they had in prison and the challenges of reentry. Moreover, the hiring of a clemency recipient as Deputy Director made a major contribution to the program’s culture and allowed for more effective training of reentry consultants whether formerly incarcerated or not. The project gained increased credibility through the leadership of a directly impacted person.

Recommendation: *Reentry programs would be well served by having staff and leadership that include formerly incarcerated people. The PNO experience comports with desistance research as well as research in other fields such as mental health and health. Many reentry programs are prevented from hiring formerly incarcerated people because of correction, parole and probation rules that bar association among people with criminal records. These bars should be eliminated to allow for the hiring of otherwise qualified individuals as staff in reentry programs.*

Lessons for Further Criminal Justice Reform Efforts and Future Research

- Investment in reentry programs remains critically important, and particularly for the federal system which has a limited number of such programs. The federal prison population is roughly 185,000, and Bureau of Prison facilities remain overcrowded.

PNO is an innovative model that fills a gap in reentry programming. However, it has been difficult to garner funding to continue the program after the pilot period ended, and operations had to be suspended. Foundation funding for reentry programs has diminished as foundations shift to new priorities. Second Chance Act funding for reentry programs has also been reduced from a high of \$100 million in 2010 to the current \$68 million. Moreover, in some states where reentry programs are able to access state and local funding for state-sentenced people, such funding sources preclude services to federally-sentenced people.

Recommendation: Public (federal) and private foundation funders should continue to invest in reentry/reintegration programs and to encourage local and state governments to increase funding for these vital criminal justice services. While the number of people in prison has fallen in the last few years, the United States prison population remains at rates that are historically high and far exceeds rates found in other countries. Incarceration in the United States continues to disproportionately impact communities of color levels.

Recommendation: Funding sources (federal, state, local and foundation) should recognize that reintegration programs should serve anyone returning to the community regardless of what jurisdiction incarcerated them.

- The PNO experience provides additional evidence that sentencing reform, and specifically reforms that shorten sentences and allow for early release, are reasonable and humane while still ensuring public safety. The apparent absence of recidivism on the part of PNO clients is yet another example of the efficacy of reducing sentences of incarceration. Data from the USSC (2014) showed that people who received a retroactively reduced sentence under the 2007 Crack Cocaine Amendment were no more likely to recidivate (defined by re-arrest) than similarly situated incarcerated people who did not receive a reduced sentence. Thirty-four percent (34%) of the retroactivity group recidivated within five years and 37 percent of the control group recidivated in that time period. In short, sentence reductions of two years did not result in higher recidivism rates. And while there are no publically available data on the status of the 1,696 people released through the 2014 Clemency Initiative, a google search identified only three clemency recipients who have been rearrested since their release.

Recommendation: Criminal justice reform should prioritize methods, mechanisms and law reform that reduce the length of incarceration and invest in front-end alternatives to incarceration including bail and sentencing reform.

Back-end early release programs including work and education release should also be expanded.

VII. Conclusion

PNO adds to a growing body of research that demonstrates a) the possibility of sentencing reform, b) the determination of formerly incarcerated people to rejoin their communities and families and c) the important role to be played by formerly incarcerated people themselves in guiding others to make the difficult journey from prison to home. Shorter sentences do not appear to have jeopardized public safety. Programs that help people relearn to live in the “free world” have much to contribute to successful reintegration, especially when led by formerly incarcerated people.

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